

Notice of Allowability

Application No.

09/871,285

Examiner

Michelle A Lazor

Applicant(s)

MOTZ, JAMES G.

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the application sent on 5/31/01.
2. ☒ The allowed claim(s) is/are 14-21.
3. ☒ The drawings filed on 31 May 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1 – 13, drawn to an apparatus, classified in class 249, subclass 160.
 - II. Claims 14 – 21, drawn to a method, classified in class 264, subclass 299.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be used to practice another and materially different process, such as rotatably receiving a single roll of material around the periphery of the drum and in the drum rotation direction before the trough.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with Alfred Mangels on 12/31/03 a provisional election was made with traverse to prosecute the invention of group II, claims 14 – 21. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1 – 13 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

EXAMINER'S AMENDMENT

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Alfred Mangels on 12 January 2004.

The application has been amended as follows:

Claims 1 – 13 have been canceled.

A period has been added to the end of Claim 21.

6. The following is an examiner's statement of reasons for allowance:

There was no reference in the prior art search that disclosed, taught, or suggested a method for continuously forming a flexible mat, said method comprising providing a rotatable drum having a plurality of circumferentially-disposed, peripheral mold cavities, feeding a plurality of longitudinally-extending connector elements and a plurality of transversely-extending connector elements into contacting engagement with the periphery of the drum and in overlying relationship with the mold cavities; rotating the drum; depositing a flowable concrete mix into successive mold cavities as the drum rotates to substantially fill the mold cavities to form concrete panels; as the drum is rotating, bringing a web of base material into contacting

Art Unit: 1734

engagement with the periphery of the drum to overlie and cover filled mold cavities to prevent concrete mix from falling from the mold cavities as the drum is rotating; and *continuing to rotate the drum the concrete panels are released from the mold cavities by gravity and are in overlying contact with the web of base material to form a continuous mat having concrete panels that bond to the base material upon curing of the concrete mix, wherein the resulting mat has a predetermined length and width.*

Borcoman et al. (U.S. Patent No. 3720493) disclose a rotating drum depositing a flowable concrete mix into successive mold cavities as the drum rotates to substantially fill the mold cavities to form concrete panels (column 2, lines 45 – 57), and as the drum is rotating, bringing a web of base material into contacting engagement with the periphery of the drum to overlie and cover filled mold cavities to prevent concrete mix from falling from the mold cavities as the drum is rotating (Figure 1; column 4, lines 59 – 67); while Currie et al. (U.S. Patent No. 4578301) disclose using a plurality of longitudinally-extending connector elements and a plurality of transversely-extending connector elements in a reinforced cement structure (Figure 1; Abstract). Additionally, Rowland (U.S. Patent No. 3689346) disclose rotating a drum with molding material bonded to the web or sheet to form a continuous mat, wherein the resulting mat has a predetermined length and width (column 1, lines 12 – 29). However, it is not obvious to combine the above references, since the purpose of Borcoman et al. is to substantially cure the concrete, and remove the concrete elements individually (column 4, line 59 – column 5, line 50), and purposely does not want the concrete to adhere to a web, as disclosed by Rowland. Therefore, the claims are considered allowable.

Art Unit: 1734

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle A Lazor whose telephone number is 571-272-1232. The examiner can normally be reached on Mon - Wed 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.



MAL
1/11/04



MICHAEL COLAIANNI
PRIMARY EXAMINER